

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADVENT INTERNATIONAL CORPORATION,

Petitioner,

-against-

ANDRE EL-MANN ARAZI, GONZALO PEDRO
ROBINA IBARRA, and FIBRA UNO
ADMINISTRACION S.A. DE C.V.,

Respondents.

USDC SDNY
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DOC #: _____
DATE FILED: 4/16/2024

1:24-mc-16 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court has carefully reviewed the parties' submissions in this action. IT IS HEREBY ORDERED that on **May 16, 2024 at 10:30 a.m.**, the parties shall appear for an evidentiary hearing on whether Petitioner's process server left subpoenas in Mr. El-Mann's proximity in New York. *See Old Republic Ins. Co. v. Pac. Fin. Servs. of Am., Inc.*, 301 F.3d 54, 57 (2d Cir. 2002) (holding that a "sworn denial of receipt of service . . . rebuts the presumption of proper service established by the process server's affidavit and necessitates an evidentiary hearing"); *see also Margouleff v. Beck*, No. 18-cv-7334(RA), 2019 WL 3296989, at *5 (S.D.N.Y. July 23, 2019). The parties shall submit witness lists and exhibits by **May 9, 2024**.

IT IS FURTHER ORDERED that the request for oral argument on the motion to compel and cross-motion to quash [ECF No. 24] is GRANTED. The Court will allow a total of ten minutes of oral argument for both motions by each side.

The hearing and argument will be held in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY 10007.

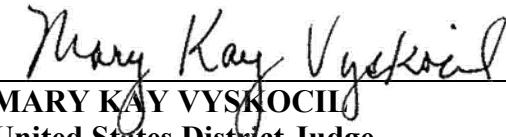
IT IS FURTHER ORDERED that Respondents' request for leave to file a surreply [ECF No. 27] is DENIED.

IT IS FURTHER ORDERED that, in light of the rulings of the court in the underlying action, Petitioner's requests to file several exhibits under seal and redact portions of its brief [ECF Nos. 4, 20] are GRANTED.

The Clerk of Court respectfully is requested to terminate the motions at docket entries 4, 20, and 27.

SO ORDERED.

Date: April 16, 2024
New York, NY


MARY KAY VYSKOCIL
United States District Judge